

**J.D., by and through his**  
**Parents and legal guardians, ANDREZA**  
**LOPEZ DASILVA and JOSE DASILVA**  
  
**Plaintiffs,**  
  
**vs.**  
  
**TEMPLE UNIVERSITY HOSPITAL,**  
**INC., et al.,**  
  
**Defendants.**

**No. 20-1395-ER**

Pursuant to the Court’s May 20, 2021 Order in this matter, Plaintiffs, Andreza Lopez DaSilva and Jose DaSilva on behalf of their minor son, J.D., (“Plaintiffs”), hereby provide the following status report:

2. On November 13, 2019, Plaintiffs placed HHS on notice of a “claim for damage, injury, or death” via Standard Form 95.

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the date of mailing of HHS's determination (28 U.S.C. § 2401 (b)).

4. On October 19, 2020, Plaintiffs requested that the US Department of Health and Human Services ("HHS") reconsider its April 20, 2020 denial of the administrative tort claim of Joshua DaSilva, a minor.

5. Pursuant to 28 C.F.R. § 14.9(b), HHS had six (6) months from the date Plaintiffs filed their request for reconsideration to make a final disposition of the claim; Plaintiffs' option under 28 U.S.C. 2675(a) does not accrue until six (6) months after the filing of their request for reconsideration.

6. Six months from October 19, 2020 was April 19, 2021.

7. HHS failed to provide final disposition of Plaintiffs' claim within six (6) months of October 19, 2020, the date which Plaintiffs filed their request for reconsideration.

8. Accordingly, HHS's failure to make final disposition shall be deemed a final denial for the purposes of 28 U.S.C. 2675(a), and now, having exhausted their administrative remedies, Plaintiffs are permitted to institute their claim against the United States of America for money damages for injuries sustained due to the negligence of US government employee, Dr. Clinton Turner.

9. Contemporaneous with the filing of this Status Report, Plaintiffs have filed a Motion for Leave of Court to Amend Plaintiffs' Complaint to Assert a Claim against the United States of America.

Respectfully submitted,

/s/ Joseph L. Messa, Jr.  
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